

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (FM)
ECF Case

This document relates to:

Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(FM)

I, MAXWELL SIVIN, hereby declare:

1. I am the stepson of Joel Miller who was killed in the September 11, 2001 Terror Attacks. I submit this supplemental declaration in support of my Motion for Solatium Damages (MDL ECF No. 5429 *et seq.*) and the Objections to Reports and Recommendations Regarding Non-Immediate Family Members (MDL ECF No. 6123).

2. The magistrate court previously denied my application for solatium damages (though granted my two-year younger biological brother's similar application). MDL ECF No. 5701. In doing so, the magistrate found that because I "only began cohabitating with Joel continuously from the age of 17, less than the two-year presumption that the Court applies ... the Court recommend[ed]" that my claim be denied. MDL ECF No. 5701 at 9.

3. To address this point, I provide additional details that pertain directly to the cohabitation issue.

4. As I previously explained, Joel came into my life when he and my mother became a couple when I was about 13 years old. MDL ECF No. 5492-2 at 6. They married about two years later. MDL ECF No. 5492-2 at 6. While my mother and Joel did not consolidate households for another two years, it is important to clarify that the two houses they maintained from the time I was 15 years old were only five minutes apart. Because of my father's death and all of the consequences, including needing to deal with the sale of the

home my mother had shared with my biological father and the house fire, my mother did not sell her house until I was about 17 years. From the time that I was 15 until I was 17, however, we largely stayed as a family between the two homes – my mother's and Joel's – with my biological brother and Joel's biological children.

5. I lived with Joel in both my mother's house and at his house for long periods of time between the ages of 15 and 17 until we formally moved into a single house together.

6. When I was 17, we all moved into a new house together (my mother, Joel and all of their biological children). That was the family home as of September 11, 2001, when Joel died in the terrorist attacks.

7. After my mother and Joel married, I was listed as a dependent on their joint tax returns; Joel's income counted against my ability to receive financial aid in college and law school; we were all on one healthcare plan; and each of my mother's biological children and Joel's biological children were treated equally in their estate planning.

8. Joel was as much my father as my own biological father was; and was no less my father than he was the father of my biological brother or his own biological children. He loved us equally as we all loved him. I have felt his loss as acutely as has any other child whose parent was murdered on September 11, 2001. I am asking to be treated the same as all of the other member of my immediate family (Mother, Brother, Stepbrother).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 14th 2020

Place: Merrick, N.Y.

Signature: Maxwell Sivin

Print: Maxwell Sivin